

# Order

Michigan Supreme Court  
Lansing, Michigan

October 30, 2018

Stephen J. Markman,  
Chief Justice

156918

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 156918  
COA: 337865  
Kent CC: 05-012604-FC

MATTHEW LEE ROBINSON,  
Defendant-Appellant.

By order of July 27, 2018, the prosecuting attorney was directed to answer the application for leave to appeal the October 25, 2017 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The defendant alleges new evidence in the form of (1) the full and unredacted incident report, which the defendant claims was suppressed in violation of *Brady v Maryland*, 373 US 83 (1963); and (2) statements from two suspects identified in that report, including a confession from one of the suspects. Under MCR 6.502(G)(2), a defendant may file a second or subsequent motion for relief from judgment based on “a claim of new evidence that was not discovered before the first such motion.” See also *People v Swain*, 499 Mich 920 (2016).

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 30, 2018

Clerk